

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID HOLTHAUS, et al.,

Plaintiffs,

V.

UNITED ABRASIVES, INC., et al.,

Defendants.

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Civil No. **07-136-MJR**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant True Grit Abrasives' motion to allow destructive testing of the Type 11 cup grinding wheel at issue in this action. (**Doc. 58**). The grinding wheel allegedly broke apart, thereby injuring plaintiff David Holthaus, and True Grit Abrasives proposes having Advanced Technology Kinetics test a "thumb-sized" fragment to identify the compound or compounds in the wheel. Plaintiffs' counsel currently has possession of the fragments of the grinding wheel. No response has been filed by any of the other parties.

IT IS HEREBY ORDERED that the subject motion for destructive testing (**Doc. 58**) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiffs' counsel shall coordinate with counsel for True Grit Abrasives for the transfer of an appropriate fragment of the grinding wheel at issue to Advanced Technology Kinetics for destructive testing. Any report(s) produced by Advanced Technology Kinetics shall be forwarded to all parties in this action. If the parties are not able to agree on the protocol for transferring the fragment, or any other related issue, they should contact the Court immediately (618-482-9106), in advance of filing a formal motion.

IT IS SO ORDERED.

DATED: November 26, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE